IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 372 of 2007
IN
SUMMONS FOR JUDGEMENT NO.61 OF 2007
IN
SUMMARY SUIT NO.2171 OF 2006

Evergreen Drums & Cans Pvt.Ltd. .. Appellant
versus
Jayantilal Thakersy Shah .. Respondent

APPEAL NO. 374 of 2007
IN
SUMMONS FOR JUDGEMENT NO.63 OF 2007
IN
SUMMARY SUIT NO.1984 OF 2006

Evergreen Drums & Cans Pvt.Ltd. .. Appellant
versus
J.P. Cans Pvt. Ltd. .. Respondent

...

Mr.S.U. Pandey for the appellant.
None for the respondents

CORAM : R.M.S. KHANDEPARKAR
AND D.G.KARNIK, JJ

DATED : 11th June 2007.

P.C.:

1. Since the common questions of law and facts arise in both the appeals, they were heard together and are being disposed of by this common order.

2. Heard.

3. These appeals arise from the order dated 16th April 2007 passed in Summons for Judgement no.61/2007 in Summary Suit no.2171/2006, and Summons for Judgement No. 63/2007 in Summary Suit no.1984/2006 respectively. By the impugned orders the learned Single Judge granted leave to defend the suits on deposit of sum of Rs. 2 lakhs in each of the cases. While granting conditional leave, the court has clearly taken note of the letter dated 4th July 2005 whereby the appellant had accepted liability to pay the amount to the respondent plaintiff. The said letter was in answer to the credit note issued by the respondent plaintiff on 21st June 2005 and received by the appellant.

4. In the facts and circumstances of the case, no fault can be found with the impugned orders granting conditional leave to defend the suit. Hence, there is no case for interference.

5. Appeals therefore fail and is therefore rejected.

(R.M.S. KHANDEPARKAR, J)

(D.G. KARNIK, J)